

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. NOEL GUTIERREZ MANZANARES,

2. ROBERT GARCIA,

3. KARL JAMES PENTZ, and

4. RANDY LEE MOTZKO,

Defendants.

INDICTMENT

*CR 10-275 MJD/FLN*

(18 U.S.C. § 2)

(18 U.S.C. § 922(g)(1))

(18 U.S.C. § 922(g)(9))

(21 U.S.C. § 841(a)(1))

(21 U.S.C. § 841(b)(1)(A))

(21 U.S.C. § 841(b)(1)(B))

(21 U.S.C. § 841(b)(1)(C))

(21 U.S.C. § 846)

(21 U.S.C. § 853(a)(1))

(21 U.S.C. § 853(a)(2))

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Distribute and Possess with Intent to  
Distribute Controlled Substances; Namely, Methamphetamine and  
Oxycodone)

From on or about January 1, 2008 through on or about September  
29, 2010, in the State and District of Minnesota and elsewhere, the  
defendants,

NOEL GUTIERREZ MANZANARES,  
ROBERT GARCIA,  
KARL JAMES PENTZ, and  
RANDY LEE MOTZKO,

knowingly and intentionally conspired with each other and with  
other persons, whose names are known and unknown to the grand jury,  
to distribute 50 grams or more of "actual" methamphetamine, 500  
grams or more of a mixture and substance containing a detectable  
amount of methamphetamine, and a mixture and substance containing  
a detectable amount of acetaminophen-oxycodone hydrochloride, all

SCANNED

OCT 18 2010

U.S. DISTRICT COURT ST. PAUL

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United States v. Noel Gutierrez Manzanares, et al.

controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(C) and 846.

**COUNT 2**

(Possession of a Firearm by a Felon)

On or about July 31, 2008, in the State and District of Minnesota, the defendant,

**KARL JAMES PENTZ,**

a person who had previously been convicted of a crime punishable by imprisonment for a term exceeding one year; namely,

CRIME	COURT OF CONVICTION	DATE OF CONVICTION (On or about)
3rd Degree Possession of Narcotics	Anoka County District Court of Minnesota	2002
5th Degree Possession of Narcotics	Sherburne County District Court of Minnesota	2002
5th Degree Possession of Narcotics	Aitkin County District Court of Minnesota	2008

thereafter did knowingly possess, in and affecting interstate commerce, firearms; namely, (1) Polytech, Model AK-47, 7.62X39 mm caliber rifle, serial number 386P4707532; (2) Marlin, Model 989M2, .22 caliber rifle, no serial number; (3) Remington, Model Wingmaster 870, 12 gauge shotgun, serial number WOO8694V; (4) Norinko, Model SKS, 7.62 x 39 caliber rifle, serial number 2502004; (5) Ruger, New Model, single-six .22 caliber revolver, serial number 64-39696; (6) Winchester, Model 63, .22 caliber rifle, no

United States v. Noel Gutierrez Manzanares, et al.

serial number; (7) Savage, Model 24 series, P 410 gauge shotgun, serial number C978098; (8) JC Higgins, Model 41, .22 caliber rifle, no serial number; (9) Hawthorne, Model M149, 20 gauge shotgun, no serial number; (10) Mossberg, Model 55, 12 gauge shotgun, no serial number; (11) Marlin, Model 55, 12 gauge shotgun, serial number 25550935; (12) Astra, Model 600/43, 9 mm parabellum pistol, serial number 50351; and (13) Ruger, .22 caliber pistol, serial number 244932, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

(Possession With Intent to Distribute Methamphetamine)

On or about June 24, 2010, in the State and District of Minnesota, the defendants,

**NOEL GUTIERREZ MANZANARES,  
ROBERT GARCIA, and  
RANDY LEE MOTZKO,**

each aiding and abetting the other, knowingly and intentionally possessed with intent to distribute, approximately 320 grams of "actual" methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT 4

(Distribution of Methamphetamine)

On or about June 25, 2010, in the State and District of Minnesota, the defendant,

**NOEL GUTIERREZ MANZANARES,**

United States v. Noel Gutierrez Manzanares, et al.

knowingly and intentionally distributed 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT 5**

(Distribution of Methamphetamine)

On or about August 17, 2010, in the State and District of Minnesota, the defendant,

**NOEL GUTIERREZ MANZANARES,**

knowingly and intentionally distributed 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT 6**

(Distribution of Methamphetamine)

On or about August 25, 2010, in the State and District of Minnesota, the defendant,

**NOEL GUTIERREZ MANZANARES,**

knowingly and intentionally distributed 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

United States v. Noel Gutierrez Manzanares, et al.

COUNT 7

(Distribution of Methamphetamine)

On or about September 14, 2010, in the State and District of Minnesota, the defendant,

**NOEL GUTIERREZ MANZANARES,**

knowingly and intentionally distributed 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

FORFEITURE ALLEGATIONS

Counts 1-7 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853(a), Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

As the result of the offenses alleged in Counts 1 and 3-7 of this Indictment, the defendants shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a)(1) and (2), any and all property constituting, or derived from, any proceeds the defendants obtained directly or indirectly as a result of said violations, and any and all property used, or intended to be used, in any manner or part to commit or to facilitate the commission of said violations.

United States v. Noel Gutierrez Manzanares, et al.

As a result of the offenses alleged in Count 2 of this Indictment, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), any firearm involved in any violation of 922(g)(1) and 924(a)(2), including but not limited to: (1) Polytech, Model AK-47, 7.62X39 mm caliber rifle, serial number 386P4707532; (2) Marlin, Model 989M2, .22 caliber rifle, no serial number; (3) Remington, Model Wingmaster 870, 12 gauge shotgun, serial number WOO8694V; (4) Norinko, Model SKS, 7.62 x 39 caliber rifle, serial number 2502004; (5) Ruger, New Model, single-six .22 caliber revolver, serial number 64-39696; (6) Winchester, Model 63, .22 caliber rifle, no serial number; (7) Savage, Model 24 series, P 410 gauge shotgun, serial number C978098; (8) JC Higgins, Model 41, .22 caliber rifle, no serial number; (9) Hawthorne, Model M149, 20 gauge shotgun, no serial number; (10) Mossberg, Model 55, 12 gauge shotgun, no serial number; (11) Marlin, Model 55, 12 gauge shotgun, serial number 25550935; (12) Astra, Model 600/43, 9 mm parabellum pistol, serial number 50351; (13) Mauser, Model Argentino 1891, serial number M7200; and (14) Ruger, .22 caliber pistol, serial number 244932, a Stainless Cobra, Model FS380, serial number FS016418.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p).

United States v. Noel Gutierrez Manzanares, et al.

A TRUE BILL

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UNITED STATES ATTORNEY

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FOREPERSON